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Congressional Commissions: Overview, Structure, and Legislative Considerations

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Summary

Congressional advisory commissions are formal groups established to provide independent advice; make recommendations for changes in public policy; study or investigate a particular problem, issue, or event; or perform a duty. While no legal definition exists for what constitutes a "congressional commission," in this report a congressional commission is defined as a multi-member independent entity that (1) is established by Congress, (2) exists temporarily, (3) serves in an advisory capacity, (4) is appointed in part or whole by Members of Congress, and (5) reports to Congress. These five characteristics differentiate a congressional commission from a presidential commission, an executive branch commission, or other bodies with "commission" in their names. Over 100 congressional commissions have been established since 1989.

Throughout American history, Congress has found commissions to be useful entities in the legislative process. By establishing a commission, Congress can potentially provide a highly visible forum for important issues and assemble greater expertise than may be readily available within the legislature. Complex policy issues can be examined over a longer time period and in greater depth than may be practical for legislators. Finally, the non-partisan or bipartisan character of most congressional commissions may make their findings and recommendations more politically acceptable, both in Congress and among the public. Critics argue that many congressional commissions are expensive, often formed to take difficult decisions out of the hands of Congress, and are mostly ignored when they report their findings and recommendations.

The temporary status of congressional commissions and short time period they are often given to complete their work product makes it important that legislators craft statutes creating congressional commissions with care. A wide variety of options are available, and legislators can tailor the composition, organization, and working arrangements of a commission, based on the particular goals of Congress. As a result, individual congressional commissions often have an organizational structure and powers quite different from one another.

This report provides an overview and analysis of congressional advisory commissions, information on the general statutory structure of a congressional commission, and a catalog of congressional commissions created since the 101st Congress.

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Introduction

Congressional commissions are formal groups established by Congress to provide independent advice, make recommendations for changes in public policy, study or investigate a particular problem or event, or perform a specific duty. Usually composed of policy experts chosen by Members of Congress and/or officials in the executive branch, commissions may hold hearings, conduct research, analyze data, investigate policy areas, or make field visits as they perform their duties. Most commissions complete their work by delivering their findings, recommendations, or advice in the form of a written report to Congress. Occasionally, legislation submitted by commissions will be given "fast track" authority in Congress.

Although no legal definition exists for what constitutes a "congressional commission," in this report, a congressional commission is defined as a multi-member independent entity that (1) is established by Congress, (2) exists temporarily, (3) serves in an advisory capacity, (4) is appointed in part or whole by Members of Congress, and (5) reports to Congress. These five characteristics effectively serve to differentiate a congressional commission from a presidential commission, an executive branch commission, or other bodies with "commission" in their names. Over 100 congressional commissions have been established since 1989.

Throughout American history, Congress has found commissions to be useful tools in the legislative process and legislators continue to use them today. By establishing a commission, Congress can potentially provide a highly visible forum for important issues and assemble greater expertise than may be readily available within the legislature. Complex policy issues can be examined over a longer time period and in greater depth than may be practical for legislators. Finally, the non-partisan or bipartisan character of most congressional commissions may make their findings and recommendations more politically acceptable, both in Congress and among the public.

Critics argue that many congressional commissions are established by legislators seeking "blame avoidance," and take difficult decisions out of the hands of Congress. Other observers have suggested that commissions are undemocratic, with their members neither electorally accountable to the public nor their meetings and decision-making processes public. Finally, some critics see commissions as financially inefficient, arguing that the costs of establishing a commission outweigh potential benefits, especially since their findings and recommendations may be ignored by Congress.

Congressional commissions can be categorized as either policy commissions, investigatory commissions, or commemorative commissions. Most congressional commissions are policy commissions, such as the United States Commission on North American Energy Freedom,[1] that study particular public policy problems and typically report their findings to Congress along with recommendations for legislative or executive action. Far fewer commissions are investigative commissions, such as the National Commission on Terrorist Attacks Upon the United States,[2] that are established to examine past events. A small number of commissions are commemorative

[1] P.L. 109-58, 119 Stat 1064, August 8, 2005.

[2] P.L. 107-306, 116 Stat. 2408, November 27, 2002.

commissions, such as the Abraham Lincoln Bicentennial Commission,[3] that plan, coordinate, and oversee celebrations of people or events, often in conjunction with milestone anniversaries.

The temporary status of congressional commissions and short time period they are often given to complete their work product makes it important that legislators craft statutes creating congressional commissions with care. Statutes establishing congressional policy commissions generally include language that states the mandate of the commission, provides a membership structure and appointment scheme, defines member compensation and other benefits, outlines the commission's duties and powers, authorizes funding, and sets a termination date for the commission.

A variety of options are available for each of these organizational choices. Legislators can tailor the composition, organization, and arrangements of a commission, based on particular goals. As a result, individual commissions often have organizational structures and powers quite different from one another.

Defining "Congressional Commission"

In the past, confusion has arisen over whether particular entities are "congressional commissions." There are several reasons for this confusion. First, the term "congressional commission" is not defined by law; observers might disagree as to whether an individual entity should be characterized as such. Second, many different entities within the federal government have the word "commission" in their name, such as regulatory commissions, presidential advisory commissions, and advisory commissions established in executive agencies. Conversely, many congressional commissions do not have the word commission in their name; instead, they are designated as boards, advisory panels, advisory committees, task forces, or by other terms.

In this report, a congressional commission is defined as a multi-member independent entity that (1) is established by Congress, (2) exists temporarily, (3) serves in an advisory capacity, (4) is appointed in part or whole by Members of Congress, and (5) reports to Congress. This definition differentiates a congressional commission from a presidential commission, an executive branch commission, or other bodies with "commission" in their names, while including most entities that fulfill the role commonly perceived for commissions: studying policy problems and reporting findings to Congress.[4] Each of these characteristics is discussed below.

[3] P.L. 106-173, 114 Stat. 14, February 25, 2000.

[4] Alternative definitions might be equally appealing. The wide variety of boards, task forces, panels, and commissions created by Congress, coupled with the lack of a legal definition for "congressional commission," results in many gray areas. Consequently, some entities created by Congress that do not meet all five characteristics might be considered congressional commissions by observers using a different criteria. For example, in the 110th Congress, legislation was enacted creating a Committee on Levee Safety (P.L. 110-114, Section 9003, November 9, 2007). The committee is a temporary advisory body created by statutory authority, but its membership is determined by executive branch and state officials and it reports to both Congress and the Secretary of the Army. While it is not included in this report, some observers might consider it a congressional commission.

Independent Establishment by Congress

Congressional commissions are established by Congress, usually by statute.[5] Not all advisory commissions established by statute, however, are congressional commissions. Congress routinely establishes advisory commissions in the executive branch by statute. Conversely, not all advisory commissions serving the federal government are established by Congress. Commissions may be established in the executive branch by the President, department heads, or individual agencies.[6]

Congressional commissions are also independent of Congress in function. This characteristic excludes commission-like entities established *within* Congress, such as congressional observer groups, working groups, and ad hoc commissions and advisory groups created by individual committees of Congress under their general authority to procure the "temporary services" of consultants to "make studies and advise the committee," pursuant to 2 U.S.C. 72a.[7]

Temporary Existence

Congressional commissions are established to perform specific tasks, with statutory termination dates linked to the completion of the tasks. This restriction excludes entities that typically serve an ongoing administrative purpose, do not have statutory termination dates, and do not produce reports, such as the House Office Building Commission[8] or Senate Commission on Fine Art.[9] Also excluded are entities that serve ongoing diplomatic or interparliamentary functions, such as the U.S. Group to the NATO Parliamentary Assembly,[10] or the Canada-United States Interparliamentary Group.[11] Finally, Congress has created a number of boards to oversee government entities, such as the United States Holocaust Memorial Council[12] and the John F. Kennedy Center Board of Trustees.[13] Although these entities could arguably be considered congressional commissions, their lifespan, purpose, and function differs from temporary congressional commissions.

[5] An example of a commission that was widely considered a congressional commission but not established by Congress was the Iraq Study Group. Congress appropriated money to the U.S. Institute of Peace and informally arranged for the selection of the chairmen, but did not formally establish the group by statute or resolution. In addition, some bodies created by chamber resolution might be considered congressional commissions.

[6] Many well-known advisory commissions have been established by the President or by an agency. For example, the U.S. Commission on National Security/21st Century (the Hart-Rudman commission) and the National Commission on Social Security Reform (Greenspan Commission) were both established by executive order of the President.

[7] For example, the Advisory Commission to Study the Consumer Price Index was established by the Senate Committee on Finance in June 1995 and submitted its report to the committee in December, 1996. See U.S. Congress, Senate Committee on Finance, Final Report of the Advisory Commission to Study the Consumer Price Index, committee print, 104th Cong., 2nd sess., S. Prt 104-72 (Washington: GPO, 1996).

[8] 2 U.S.C. 2001; P.L. 59-253; 34 Stat. 1365.

[9] 2 U.S.C. 2101; P.L. 100-696; 102 Stat. 4610.

[10] U.S.C. 1928a; P.L. 84-689; 70 Stat. 523.

[11] 22 U.S.C. 276(d); P.L. 86-42, 73 Stat. 72.

[12] 36 U.S.C. 2302; P.L. 96-388; 94 Stat. 1547.

[13] 20 U.S.C. 76h; P.L. 85-874; 72 Stat. 1698.

Advisory Role

Unlike regulatory commissions, congressional commissions are not typically granted administrative authority, and they usually lack the power to implement their findings or recommendations. Instead, advisory commissions typically produce reports that present their findings and offer recommendations for either legislative or executive action.

Inclusion of Members in the Appointment Process

Congressional commissions provide that Members of Congress, particularly the leadership, be intimately involved in the appointment process, either through direct service on a commission, or by appointing or recommending candidates for membership.

Reporting Requirements

Congressional commissions are usually required to submit their reports to Congress, or to Congress and the President. Other advisory commissions, such as presidential or executive branch commissions, typically submit their reports only to the President or agency head.

Cataloging Congressional Commissions

This report attempts to identify all congressional commissions established between the 101st and 113th Congress. A large number of bills creating congressional commissions are introduced in Congress each session. During the 113th Congress, bills have been introduced that would have created more than 25 congressional commissions. Similar numbers of bills have been proposed in previous Congresses. Most of these bills proposing commissions are not enacted.

Methodology

A database search was conducted using the Legislative Information System (LIS) for the 101st through 113th Congresses (1989-2014).[14] Each piece of legislation returned was examined to determine if (1) the legislation contained a commission; and (2) if the commission was an ad hoc congressional commission. If the commission was judged to be an ad hoc congressional commission, the name, public law number, Statutes-at-Large citation, and date of enactment were recorded.

Results

A total of 101 congressional commissions were identified through this search. **Table 1** reports the number of commissions identified by the search in each Congress.

[14] The search was conducted in two iterations. First, a query was run using the subject term "Federal Advisory Bodies." Second, a query was run for various search terms, including commission, board, task force, and advisory committee.

Table 1. Number of Congressional Commissions Created by Congress

101st to 113th Congress

Congress	Number	Congress	Number
101 (1989-1990)	12	108 (2003-2004)	7
102 (1991-1992)	10	109 (2005-2006)	7
103 (1993-1994)	5	110 (2007-2008)	8
104 (1995-1996)	5	111 (2009-2010)	5
105 (1997-1998)	12	112 (2010-2012)	5
106 (1999-2000)	14	113 (2013-2014)	4
107 (2001-2002)	7	**Total (1989-2014)**	**101**

Source: Database query of Congressional Legislative Information System (LIS), 101st to 113th Congress.

Two caveats accompany these results. As stated above, identifying congressional commissions involves making judgment calls about particular characteristics. Second, tracking provisions of law that create congressional commissions is an inherently inexact exercise. Although many such bodies are created in easily identifiable freestanding statutes, others are contained within the statutory language of lengthy omnibus legislation.[15] Consequently, individual commissions may have been missed by the search algorithm.

Types of Congressional Commissions

Congressional commissions can be generally placed into one of three categories. Most congressional commissions are *policy commissions*, temporary bodies which study particular policy problems and report their findings to Congress. Less common are *investigative commissions,* which are similar in structure to policy commissions but tasked with reviewing specific events. *Commemorative commissions* are entities established to commemorate a person or event, often to mark an anniversary. **Table 2** reports the total number and percentage of each type of commission identified in the LIS database search of the 101st through 113th Congresses.

Table 2. Number of Congressional Commissions Created, by Type

101st to 113th Congress

Commission Type	Total Number	Percentage of All Commissions
Policy	81	81%
Investigative	7	7%
Commemorative	13	13%

Source: CRS analysis of database query of Congressional Legislative Information System (LIS), 101st to 113th Congress.

[15] For example, provisions for the establishment of 12 separate advisory bodies were included in the text of the FY1999 Omnibus Consolidated and Emergency Supplemental Appropriations Act (P.L. 105-277, 112 Stat. 2681).

Policy Commissions

The vast majority of congressional commissions, 81%, were established to study, examine, or review a particular policy problem. During the 110th, 111th, and 113th Congresses, policy commissions were established to study a range of issues, including the proliferation of weapons of mass destruction, motor fuel tax enforcement, surface transportation policy, defense policy, and the threat to the United States from Electromagnetic Pulse (EMP) attacks.[16]

Investigative Commissions

Investigative commissions, established for the purpose of reviewing specific events, are much less common than policy commissions. Only seven such bodies have been established by Congress during the past 22 years. Investigative commissions, however, such as the National Commission on Terrorist Attacks Upon the United States (the 9/11 commission), often receive substantial public attention. Investigative commissions are often granted broad powers, including the power to subpoena witnesses. Most recently, the Commission on Wartime Contracting in Iraq and Afghanistan, the Congressional Oversight Panel for the Emergency Economic Stabilization Act, and the Financial Crisis Inquiry Commission were established during the 110th and 111th Congresses.[17]

Commemorative Commissions

Since 1989, Congress has created 13 commemorative commissions. Five of the commissions were created to commemorate individuals[18] and coincided with a milestone anniversary of their birth. Seven commissions were related to the commemoration of historical events and coincided with a milestone anniversary of the event.[19] One commission—the Dwight D. Eisenhower Memorial Commission—was created to oversee the development of a permanent national memorial.[20]

Potential Value of Congressional Commissions

Throughout American history, Congress has found commissions to be useful tools in the legislative process. Commissions may be established, among other things, to cope with increases in the scope and complexity of legislation, to forge consensus, to draft bills, to promote inter-party communication, to address issues that do not fall neatly within the jurisdictional boundaries of congressional committees, and to bring together recommendations.[21] These goals can be

[16] P.L. 109-163, 119 Stat. 3434, January 6, 2006; P.L. 110-53, 121 Stat. 501, August 3, 2007; P.L. 109-59, 119 Stat. 1959, August 10, 2005; P.L. 109-163, 119 Stat. 3434, January 6, 2006.

[17] P.L. 110-181, January 28, 2008; P.L. 110-343, October 3, 2008.

[18] The individuals are Abraham Lincoln, James Madison, Benjamin Franklin, Thomas Jefferson, and Ronald Reagan.

[19] The events are the ending of the transatlantic slave trade, the construction of the Capitol, the Seneca Falls convention, the first successful airplane flight, the end of the Cold War, the Supreme Court decision in *Brown v. Board of Education,* and World War I.

[20] P.L. 106-79, 113 Stat. 1274, October 25, 1999.

[21] Colton Campbell, "Creating an Angel: Congressional Delegation to Ad Hoc Commissions," *Congress and the Presidency*, vol. 25, no. 2 (Autumn 1998), p. 162.

grouped into six categories: expertise, issue and political complexity, consensus building, non-partisanship, solving collective action problems, and visibility.

Obtaining Expertise

Congress may choose to establish a commission when legislators and their staffs do not currently have sufficient knowledge or expertise in a complex policy area.[22] By assembling experts with backgrounds in particular policy areas to focus on a specific mission, legislators might efficiently obtain insight into complex public policy problems.[23]

Overcoming Issue Complexity

Complex policy issues may cause time management challenges for Congress. Legislators often keep busy schedules and may not have time to deal with intricate or technical policy problems, particularly if the issues require consistent attention over a period of time.[24] A commission can devote itself to a particular issue full-time, and can focus on an individual problem without distraction.[25]

Overcoming Political Complexity

Complex policy issues may also create institutional problems because they do not fall neatly within the jurisdiction of any particular committee in Congress.[26] By virtue of their ad hoc status, commissions may circumvent such issues. Similarly, a commission may allow particular legislation or policy solutions to bypass the traditional development process in Congress, potentially removing some of the impediments inherent in a decentralized legislature.[27]

Consensus Building

Legislators seeking policy changes may be confronted by an array of political interests, some in favor of proposed changes and some against. When these interests clash, the resulting legislation may encounter gridlock in the highly structured political institution of the modern Congress.[28] By creating a commission, Congress can place policy debates in a potentially more flexible environment, where congressional and public attention can be developed over time.[29]

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[22] Ibid., p. 174. See also Robert L. Chartrand, Jane Bortnick, and James R. Price, *Legislator as User of Information* (Washington, DC: Congressional Research Service, 1987), pp. 11-15.

[23] Colton Campbell, *Discharging Congress: Government by Commission* (Westport, CT: Praeger, 2002), p. 51.

[24] Ibid., pp. 55-59.

[25] Morris P. Fiorina, "Group Concentration and the Delegation of Legislative Authority," in Roger G. Noll, ed., *Regulatory Policy and the Social Sciences* (Berkeley: University of California Press, 1985), p. 184. See also James E. Katz, "Science, Technology, and Congress," Science vol. 30, no. 4 (May 1993), pp. 41-44.

[26] George T. Sulzner, "The Policy Process and the uses of National Governmental Study Commissions," Western Political Quarterly, vol. 24, no. 3 (September 1971), pp. 438-448.

[27] Kenneth R. Mayer, "Closing Military Bases (Finally): Solving Collective Dilemmas Through Delegation," *Legislative Studies Quarterly*, vol. 20, no. 3 (August 1995), pp. 395-397.

[28] Campbell, Discharging Congress, p. 12.

[29] Ibid, p. 13; Newt Gingrich, "Leadership Task Forces: The 'Third Wave' Way to Consider Legislation," *Roll Call*, (continued...)

Reducing Partisanship

Solutions to policy problems produced within the normal legislative process may also suffer politically from charges of partisanship.[30] Similar charges may be made against investigations conducted by Congress.[31] The non-partisan or bipartisan character of most congressional commissions may make their findings and recommendations less susceptible to such charges and more politically acceptable to diverse viewpoints. The bipartisan or nonpartisan arrangement can potentially give their recommendations strong credibility, both in Congress and among the public, even when dealing with divisive issues of public policy.[32] Commissions may also give political factions space to negotiate compromises in good faith, bypassing the short-term tactical political maneuvers that accompany public negotiations.[33] Similarly, because commission members are not elected, they may be better suited to suggesting unpopular, but necessary, policy solutions.[34]

Solving Collective Action Problems

A commission may allow legislators to solve collective action problems, situations in which all legislators individually seek to protect the interests of their own district, despite widespread agreement that the collective result of such interests is something none of them prefer. Legislators can use a commission to jointly "tie their hands" in such circumstances, allowing general consensus about a particular policy solution to avoid being impeded by individual concerns about the effect or implementation of the solution.[35]

For example, in 1988 Congress established the Base Closure and Realignment Commission (BRAC) as a politically and geographically neutral body to make independent decisions about closures of military bases.[36] The list of bases slated for closure by the commission was required to be either accepted or rejected as a whole by Congress, bypassing internal congressional politics over which individual bases would be closed, and protecting individual Members from political charges that they didn't "save" their district's base.[37]

Raising Visibility

By establishing a commission, Congress can often provide a highly visible forum for important issues that might otherwise receive scant attention from the public.[38] Commissions often are

(...continued)

November 16, 1995, p. 5.

[30] Campbell, Discharging Congress, p. 10.

[31] Ibid., p. 9.

[32] George T. Sulzner, "The Policy Process and the uses of National Governmental Study Commissions," pp. 443-445.

[33] John B. Gilmour, "Summits and Stalemates: Bipartisan Negotiations in the Postreform Era," in Roger H. Davidson, ed., *The Postreform Congress* (New York: St. Martin's Press, 1993), pp. 247-248.

[34] Daniel Bell, "Government by Commission," *Public Interest*, vol. 1, no. 3 (Spring 1966), p. 7; Campbell, *Discharging Congress*, p. 70.

[35] Gary W. Cox and Matthew D. McCubbins, *Legislative Leviathan: Party Government in the House* (Berkeley: University of California Press, 1993), p. 80.

[36] Mayer, *Closing Military Bases*, p. 398-399.

[37] Charles E. Cook, "Base Closing Furor: Minimal Political Impact for Members," *Roll Call*, March 18, 1993, p. 1.

[38] David S. Brown, "The Public Advisory Board as an Instrument of Government," *Public Administration Review*, vol. (continued...)

composed of notable public figures, allowing personal prestige to be transferred to policy solutions.[39] Meetings and press releases from a commission may receive significantly more attention in the media than corresponding information coming directly from members of congressional committees. Upon completion of a commission's work product, public attention may be temporarily focused on a topic that otherwise would receive scant attention, thus increasing the probability of congressional action within the policy area.[40]

Criticism of Commissions

Congressional commissions have been criticized by both political and scholarly observers. These criticisms chiefly fall into three groups. First, critics often charge that commissions are an "abdication of responsibility" on the part of legislators.[41] Second, commissions are undemocratic, replacing elected legislators with appointed decision-makers. Third, critics also argue that commissions are financially inefficient; they are expensive and their findings often ignored by Congress.

Abdicated Responsibility

Critics of commissions argue that they are primarily created by legislators specifically for "blame avoidance."[42] In this view, Congress uses commissions to distance itself from risky decisions when confronted with controversial issues. By creating a commission, legislators can take credit for addressing a topic of controversy without having to take a substantive position on the topic. If the commission's work is ultimately popular, legislators can take credit for the work. If the commission's work product is unpopular, legislators can shift responsibility to the commission itself.[43]

Reduced Democratic Accountability

A second concern about commissions is that they are not democratic. This criticism takes three forms. First, commissions may be unrepresentative of the general population; the members of most commissions are not elected and may not reflect the variety of popular opinion on an issue.[44] Second, commissions lack popular accountability. Unlike Members of Congress, commission

(...continued)

15, no. 3 (Summer 1955), pp. 197-199.

[39] Charles J. Hanser, *Guide to Decision: The Royal Commission* (Totowa, New Jersey: Bedminster Press, 1965), pp. 222-225.

[40] George T. Sulzner, "The Policy Process and the uses of National Governmental Study Commissions," p. 444.

[41] Sen. Trent Lott, "Special Commissions," Remarks in the Senate. *Congressional Record*, daily edition, vol 148 (September 23, 2002), p. S9050. See also David Schoenbrod, *Power Without Responsibility: How Congress Abuses the People Through Delegation* (New Haven, CT: Yale University Press, 1993), p. 100; R.W. Apple, "Keeping Hot Potatoes Out of the Kitchen," New York Times, February 2, 1989, D20.

[42] R. Kent Weaver, "The Politics of Blame Avoidance," *Journal of Public Policy*, vol. 6, no. 4 (October-December 1986), pp. 373-374. See also Douglas Arnold, *The Logic of Congressional Action* (New Haven: Yale University Press, 1990), p. 101.

[43] Campbell, *Discharging Congress*, pp. 68-69; Douglas Arnold, *The Logic of Congressional Action*, p. 101.

[44] R. Kent Weaver, "Is Congress Abdicating Power to Commissions?" *Roll Call*, February 12, 1989, pp. 5, 25.

members are often insulated from the electoral pressures of popular opinion. Finally, commissions may not operate in public; unlike Congress, their meetings, hearings, and investigations may be held in private.[45]

Financial Inefficiency

A third criticism of commissions is that they have high costs and low returns. Congressional commission costs vary widely, ranging from several hundred thousand dollars to over $10 million. Coupled with this objection is the problem of congressional response to the work of a commission; in most cases, Congress is under no obligation to act, or even respond to the work of a commission. If legislators disagree with the results or recommendations of a commission's work, they may simply ignore it. In addition, there is no guarantee that any commission will produce a balanced product; commission members may have their own agendas, biases, and pressures. Or they may simply produce a mediocre work product.[46] Finally, advisory boards create economic and legislative inefficiency if they function as patronage devices, with Members of Congress using commission positions to pay off political debts.[47]

Legislative Options for Commission Structure

Statutes establishing congressional policy commissions generally include language that states the mandate of the commission, provides a membership structure and appointment scheme, defines member compensation and other benefits, outlines the commission's duties and powers, authorizes funding, and sets a termination date for the commission.

A wide variety of options are available for each of these organizational choices. Legislators can tailor the composition, organization, and working arrangements of a commission, based on the particular goals of Congress. As a result, individual congressional commissions often have an organizational structure and powers quite different from one another.

Establishment and Mandate

A commission's establishment is generally prescribed in a brief introductory paragraph. The proposed Commission on Catastrophic Disaster Risk and Insurance was established with a single sentence:

> There is established a bipartisan Commission on Catastrophic Disaster Risk and Insurance.[48]

In some instances, the establishment clause will identify the commission as "established in the legislative branch." This can often resolve confusion as to whether certain executive branch personnel and ethics laws apply to employees of the commission. For commissions not

[45] Natalie Hanlon, "Military Base Closures: A Study of Government by Commission," *Colorado Law Review*, vol. 62, no. 2 (1991), pp. 331-364.

[46] James Q. Wilson, "A Reader's Guide to the Crime Commission's Report," *Public Interest*, no. 9 (Fall 1967), pp. 64, 82.

[47] David S. Brown, "The Public Advisory Board as an Instrument of Government," p. 199.

[48] Section 3, H.R. 537 (110th Congress).

specifically established in the legislative or executive branch, the manner in which the members of the commission are appointed may determine the commission's legal status.[49] A commission with a majority of appointments made by the President may be treated as an executive branch entity for certain purposes; if a majority of appointments are made by Members of Congress, it may be treated as a legislative branch entity.

A bill creating a commission will sometimes provide congressional "findings" identifying the conditions justifying the creation of the panel. The bill proposing the Commission on Catastrophic Disaster Risk and Insurance includes seven specific findings related to hurricane damage and the federal government's role in catastrophe management. In other cases, legislation creating a congressional commission may simply include a short "purpose" section describing the justification for the creation of the commission, in lieu of "findings."

Membership and Appointment

Congressional commissions use a wide variety of membership schemes and appointment structures. The statutory scheme may require that membership of a commission be made up in whole or in part of specifically designated Members of Congress, typically Members in congressional or committee leadership positions. In other cases, selected leaders, often with balance between the parties, appoint commission members, who may or may not be Members of Congress. A third common statutory scheme is to have selected leaders, again often with balance between the parties, recommend members, who may or may not be Members of Congress, for appointment to a commission. These leaders may act either in parallel or jointly, and the recommendation may be made either to other congressional leaders, such as the Speaker of the House and President pro tempore of the Senate, or to the President.

Table 3 presents commission appointment data from the 101st to 113th Congress. For each appointing body, the table reports the percentage of commissions to which appointments are made, the total number of appointments made, and the percentage of total appointments made.

Table 3. Appointment Authority to Congressional Commissions

101st to 113th Congress

Appointing Body	Percentage of Commissions	Total Number of Appointments	Percentage of Total Appointees
Speaker	72%	203	17.2%
President Pro Tempore	15%	48	3.4%
Senate Majority Leader	60%	154	13.1%
House Minority Leader	55%	100	8.5%
Senate Minority Leader	55%	100	8.5%
Committees	24%	201	17.2%

[49] Office of Legal Counsel, Department of Justice. "Applicability of 18 U.S.C. §208 to National Gambling Impact Study Commission," Memorandum for the Acting General Counsel, General Services Administration, January 26, 1999. See also *Ameron, Inc. v. U.S. Army Corp of Engineers*, 787 F.2d 875 (3d Cir. 1986); *Bowsher v. Synar*, 478 U.S. 714 (1986).

Appointing Body	Percentage of Commissions	Total Number of Appointments	Percentage of Total Appointees
Total, Legislative Branch	**100%**	**814**	**69.1%**[a]
President	56%	259	21.9%
Other[b]	33%	110	9.3%
Total, Other Sources	**77%**	**369**	**31.1%**

Source: CRS analysis of database query of Congressional Legislative Information System (LIS), 101st to 113th Congress.

a. Figures do not sum total due to rounding.

b. Includes agency and department heads, Supreme Court Members, state and local officials, and private citizens.

Some statutory provisions may have the effect of limiting the degree of autonomy a Member has in appointing or making recommendations for commission membership. For example, statutory language may require the appointing official to select members who are specifically qualified by virtue of their education, knowledge, training, experience, expertise, distinguished service, or recognized eminence in a particular field or fields.[50]

Statutes creating congressional commissions often include deadlines for leaders making appointments. Such deadlines can range from several weeks to several months. For example, the deadline for appointments to the Antitrust Modernization Commission[51] was 60 days after the enactment of the act. The deadline for appointment to the Commission on Wartime Contracting in Iraq and Afghanistan was 120 days from the date of enactment. The deadline for appointment to the National Commission on Terrorist Attacks Upon the United States was December 15, 2002, 18 days after enactment of the act.

Compensation and Travel Expenses

Most statutorily created congressional commissions do not compensate their members, except to reimburse members for expenses directly related to their service, such as travel costs.

For example, Section 201(i) of the statute establishing the United States Commission on International Religious Freedom[52] reads

> (i) Funding.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

[50] For example, P.L. 109-58 prescribes that nominees for the United States Commission on North American Energy Freedom must be "knowledgeable on energy issues, including oil and gas exploration and production, crude oil refining, oil and gas pipelines, electricity production and transmission, coal, unconventional hydrocarbon resources, fuel cells, motor vehicle power systems, nuclear energy, renewable energy, biofuels, energy efficiency, and energy conservation."

[51] P.L. 107-273, 116 Stat. 1758, (2002).

[52] P.L. 105-292; 112 Stat. 2787, 2798 (10/27/1998).

Among congressional commissions that compensate their members, the level of compensation is almost always specified statutorily, and is typically set in accordance with one of the federal pay scales, prorated to the number of days of service. The most common level of compensation is the daily equivalent of Level IV of the Executive Schedule (EX), which has a basic annual rate of pay of $155,500[53] in 2014.[54] For example, the statute establishing the Antitrust Modernization Commission states

> (a) Pay.—
>
> > (1) Nongovernment employees.—Each member of the Commission who is not otherwise employed by a government shall be entitled to receive the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5 United States Code, as in effect from time to time, for each day (including travel time) during which such member is engaged in the actual performance of duties of the Commission.
> >
> > (2) Government employees.—A member of the Commission who is an officer or employee of a government shall serve without additional pay (or benefits in the nature of compensation) for service as a member of the Commission.
>
> (b) Travel Expenses.—Members of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.[55]

As shown in **Table 4**, approximately three-quarters of commissions created in the past 20 years have not paid members beyond reimbursement. The remaining commissions have paid members at the daily equivalent of level IV of the Executive Schedule.

Table 4. Commission Member Compensation

101st to 113th Congress

Compensation Level	Total Number of Commissions	Percentage of All Commissions[a]
Reimbursement only	72	72%
Daily equivalent of Level IV of the Executive Schedule	28	28%
Daily equivalent of Level I of the Executive Schedule	1	1%

Source: CRS analysis of database query of Congressional Legislative Information System (LIS), 101st to 113th Congress.

a. Figures do not sum total due to rounding.

[53] http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2012/executive-senior-level/rates-of-basic-pay-for-the-executive-schedule/

[54] Although Level IV of the Executive Schedule is the most common compensation level, commission members could be compensated at other levels of the Executive Schedule or at particular levels of the General Schedule. Members of congressional commissions that fall under the Federal Advisory Committee Act (P.L. 92-463), however, are prohibited from receiving compensation in excess of the rate specified for Executive Schedule Level IV.

[55] P.L. 107-273, 116 Stat. 1768, 1858, January 2, 2002.

Commission Staffing

Congressional commissions created to study a policy problem or conduct an investigation are usually authorized to hire a staff. Many of these commissions are specifically authorized to appoint a staff director and other personnel as necessary. The size of the staff is not generally specified, allowing the commission flexibility in judging its own staffing requirements. Typically, maximum pay rates will be specified, but the commission will be granted authority to set actual pay rates within those guidelines.

Most of these congressional commissions are also authorized to hire consultants and procure intermittent services. Many commissions are statutorily authorized to request that federal agencies detail personnel to assist the commission. Some commissions are also authorized to accept voluntary services.

Statutes creating congressional commissions often direct the General Services Administration (or another agency) to offer administrative support to the commission:

> Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act. These administrative services may include human resource management, budget, leasing, accounting, and payroll services.

Duties and Reporting

Congressional commissions are usually statutorily directed to carry out specific tasks. These can include studying a problem, fact-finding, assessing conditions, conducting an investigation, reviewing policy proposals, crafting recommendations, and making feasibility determinations. For example, the proposed Commission on Catastrophic Disaster Risk and Insurance is directed

> to assess the condition of the property and casualty insurance and reinsurance markets in the aftermath of Hurricanes Katrina, Rita, and Wilma in 2005, and the 4 major hurricanes that struck the United States in 2004; and the ongoing exposure of the United States to windstorms, earthquakes, volcanic eruptions, tsunamis, and floods; and recommend and report ... any necessary legislative and regulatory changes that will improve the domestic and international financial health and competitiveness of such markets; and assure consumers of availability of adequate insurance coverage when an insured event occurs.[56]

Final Reports

One of the primary functions of most congressional commissions is to produce a final report for Congress outlining their activities, findings, and legislative recommendations.[57] Most commissions are required to produce an interim, annual, or final report for transmittal to Congress, and sometimes to the President or executive department or agency heads, usually

[56] Section 5, H.R. 537 (110th Congress).

[57] Some commissions, such as the Motor Fuel Tax Enforcement Advisory Commission (P.L. 109-59; 119 Stat. 2941) are not required to submit a final report, but instead make annual reports to Congress during the specified lifespan of the commission.

within a specified period of time. A commission may also be authorized to issue other recommendations it considers appropriate.

Table 5. Reporting Requirements of Congressional Commissions

101st to 113th Congress

Recipient	Total Number	Percentage of Total[a]
Congress and the President	61	61%
Congress only	24	24%
Congress and an executive agency	16	16%

Source: CRS analysis of database query of Congressional Legislative Information System (LIS), 101st to 113th Congress.

a. Figures do not sum total due to rounding.

As seen in **Table 5**, the majority of commissions created in the past 20 years have submitted their work product to both Congress and the President. About one-quarter of commissions have submitted their work to Congress only. The remainder have submitted their work to both Congress and an executive branch agency.

Since the recommendations contained in a commission report are only advisory, no changes in public policy occur on the authority of a congressional commission. The implementation of such recommendations is dependent upon future congressional or executive branch action.

Report Deadlines

Most commissions are given statutory deadlines for the submission of their final report. The deadline for the submission of final reports varies from commission to commission. Some commissions, such as the National Commission on the Cost of Higher Education,[58] have been given less than six months to submit their final report for Congress. Other commissions, such as the Antitrust Modernization Commission,[59] have been given three or more years to complete their work product. **Table 6** summarizes the deadlines for submission of final reports.

Table 6. Congressional Commission Final Report Deadlines

101st to 113th Congress

Statutory Report Deadline	Number of Commissions
Six months or less	12
Between six months and one year	12
One year	17
Between one year and 18 months	15
Between 18 months and two years	8

[58] P.L. 105-18; 111 Stat. 207 (June 12, 1997).

[59] P.L. 107-273; 116 Stat. 1856 (November 2, 2002).

Statutory Report Deadline	Number of Commissions
Two years	17
Between two and three years	6
Three years or more	8
No specified deadline	2
No final report	4

Source: CRS analysis of database query of Congressional Legislative Information System (LIS), 101st to 113th Congress.

As shown in **Table 6**, congressional commissions have been given a wide range of deadlines for the completion of the final reports to Congress. For the 101 identified commissions, final report deadlines ranged from 120 days to 4.5 years. Over 75% of the commissions had a final report deadline of two years or less.

Linking Deadlines to Specific Events

The overall length of time for commissions to complete their final report also varies based on when the specified time limit begins. For the 101 commissions identified by the database search, four different events were used as the start point related to the report deadline: the enactment of the legislation, the appointment of the commission members, the date of the first meeting of the commission, or a specific calendar date. Therefore, a commission with a six-month deadline from the first meeting of the commission will have more total time than a commission with a six-month deadline linked to the enactment of the legislation. **Table 7** reports the frequency of use of each of these four events as starting points for report deadlines.

Table 7. Frequency of Final Report Deadline Linked to Specific Events

101st to 113th Congress

Event	Number of Commissions With Report Deadline Fixed to Event
Enactment of legislation	14
Appointment of commissioners	15
First meeting of commission	37
Specific calendar date	29
Unspecified	2
No final report	4

Source: CRS analysis of database query of Congressional Legislative Information System (LIS), 101st to 113th Congress.

As shown in **Table 7**, most commissions identified by the search linked the deadline for the submission of the final report to either the first meeting of the commission or a specific calendar date.

The length of time granted to a congressional commission for the completion of its work product is arguably one of the most important decisions facing legislators as they design a new commission. If the commission is given a short amount of time, the quality of its work product

may suffer or the commission may not be able to fulfill its statutory mandate. Policy makers should also consider the amount of time necessary for "standing up" a new commission; the selection of commissioners, recruitment of staff, arrangement of office space, and other logistical matters may take six months or more from the date of enactment of commission legislation.

On the other hand, if the commission is given a long amount of time to complete its work product, it may undermine one of the primary legislative advantages of a commission, the timely production of expert advice on a current policy matter. If legislators seek to create a commission to address a pressing policy problem, a short deadline may be appropriate. In addition, the cost of a commission will increase with a longer deadline.

Legislators should also carefully select which event triggers the start of the deadline clock. Selecting a specific calendar date will ensure delivery of a final report at a predictable time, but may leave the commission less time to complete its work product than anticipated if there is a delay in member selection or staff hiring. Linking the deadline to a flexible date, such as the first meeting, will often give the commission a more predictable amount of time to complete its work, but may delay the actual calendar date of submission of the final report.

Commission Powers

Most congressional commissions are directed to hold public meetings to discuss commission matters, usually at the call of the chair or the majority of the commission. In addition, most of these congressional commissions are statutorily empowered to hold fact-finding hearings and take testimony from witnesses.

Commissions are occasionally empowered to subpoena witnesses. For example, the proposed Hurricane Katrina Disaster Inquiry Commission[60] is authorized to issue subpoenas by agreement of the chair and vice chair, or by the affirmative vote of eight commission members.[61] Additional statutory language provides for the enforcement of the subpoenas in federal court.

Some commissions are empowered to secure information from federal agencies. For example, the proposed Hurricane Katrina Disaster Inquiry Commission would be authorized to

> secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the government, information, suggestions, estimates, and statistics ... [e]ach department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information ... upon request made by the chairman.[62]

In addition, Congress occasionally directs specific executive branch agencies to assist a commission in the completion of its work.

Commissions may also be given the following powers: the authority to contract with public agencies and private firms, the authority to use the mails in the same manner as departments and agencies of the United States, and the authority to accept gifts and donations.

[60] H.R. 265 (110th Congress).

[61] Section 6(a)(2), H.R. 265 (110th Congress).

[62] Section 6(c), H.R. 265 (110th Congress).

Commission Funding

Congressional commission costs vary widely, ranging from several hundred thousand dollars to over $10 million. Overall expenses for any individual commission are dependent on a variety of factors, the most important of which are the number of paid staff and duration of the commission. Many commissions have few or no full-time staff; others employ large numbers, such as the National Commission on Terrorist Attacks Upon the United States,[63] which had a full-time paid staff of 80. Additionally, some commissions provide compensation to members; others only reimburse members for travel expenses. Many commissions finish their work and terminate within a year of creation; in other cases, work may not be completed for several years.

Secondary factors that can affect commission costs include the number of commissioners, how often the commission meets or holds hearings, and the number and size of publications the commission produces. Although congressional commissions are primarily funded through congressional appropriations, many commissions are statutorily authorized to accept donations of money and volunteer labor, which may offset costs.

Rules of Procedure

Most statutes authorizing the creation of congressional commissions do not specify how the commission should conduct its business. Instead, the statutory language is typically either silent on internal commission procedure or specifically empowers the commission to determine its own rules of procedure. For example, the statute authorizing the National Gambling Impact Study Commission provides that

> The Commission may establish by majority vote any other rules for the conduct of the Commission's business, if such rules are not inconsistent with this Act or other applicable law.[64]

Certain rules of internal procedure, however, are found in the language of most statutes that establish commissions. For instance, many commission statutes provide that votes taken by the commission will be by simple majority, or that a quorum will consist of a particular number of commissioners.[65] Similarly, commissions that are given subpoena authority are usually statutorily directed as to who on the commission has the authority to issue the subpoenas.[66] Many commissions provide that rules regarding staff hires will be determined by the commission. For instance, the statute authorizing the Commission on Protecting and Reducing Government Secrecy states that

[63] P.L. 107-306; 116 Stat. 2408.

[64] P.L. 104-169; 110 Stat. 1482 (October 3, 1996).

[65] For example, the statute creating the Brown vs. Board of Education 50th Anniversary Commemorative Commission (P.L. 107-41; 115 Stat. 206) provides that "a majority of members" will form a quorum, while the statute creating the Commission on the National Military Museum (P.L. 106-65; 113 Stat. 880) provides that a specific number of commissioners (six) will form a quorum.

[66] For example, see P.L. 107-306, which created the National Commission on Terrorist Attacks Upon the United States.

> The Chairman, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions.[67]

Options for Procedural Rules

Absent statutory guidance (either in general statutes or in individual statutes authorizing commissions), commissions vary widely in how they adopt their procedures. In general, three models exist: formal written rules, informal rules, and norms. Any individual commission may make use of all three of these models for different types of decision making.

(1) **Formal Written Rules**: Some commissions choose to formalize their procedures for meetings and hearings. For example, the United States-China Economic and Security Review Commission[68] established written rules of procedure for the conduct of both meetings of the commission and for hearings held by the commission. The rules include procedures for selection of chairpersons, proxy use, budgeting, expenditures of money, hiring and firing of staff, commissioner ethics, and periodic revision of the rules.[69] Changes to the rules require a majority vote of the commission as well as review by outside counsel.[70] The commission's written rules for hearings include procedures for the hearing structure, the selection of panelists, generation of questions, opening statements, and post-hearing recommendations to Congress.[71]

(2) **Informal Rules**: Some commissions adopt set processes for establishing rules piecemeal as the need arises. For example, the National Surface Transportation Policy and Revenue Commission[72] did not establish formal written rules of procedure.[73] However, the members of the commission did take occasional votes to clarify particular procedures that the commission would use for meetings. For example, at the first meetings of the commission, members voted by simple majority as to whether future votes of commission members could be conducted by proxy.[74] Although the result of this vote was used as precedent for the remainder of the commission's existence, neither the result of the vote, the rule, or the rules governing the vote itself were formalized in a written fashion.[75]

(3) **Norms**: Many advisory commissions choose not to create formal rules for commission meetings or hearings. Instead, these commissions rely on a collegial relationship between commission members and staff, and conduct the meetings in a procedurally flexible manner. In some cases, deference to the wishes of the chairman is followed for procedural matters. For instance, the Congressional-Executive Commission on China does not operate within a system of

[67] P.L. 103-236; 108 Stat 255 (April 30, 1994).

[68] P.L. 106-398; 114 Stat. 1654A-334 (October 30, 2000).

[69] United States-China Economic and Security Review Commission, Commission Rules, adopted June 6, 2003.

[70] Ibid., rule 19.

[71] United States-China Economic and Security Review Commission, Procedures and Responsibilities of Hearing Cochairs.

[72] P.L. 109-59; 119 Stat. 1470 (August 10, 2005).

[73] Interview with Susan Binder, former Executive Director, National Surface Transportation Policy and Revenue Commission, July 10, 2008.

[74] Ibid.

[75] Ibid.

formal rules of procedure.[76] Commission members make collective agreements about operational issues such as the recording of minutes or voting procedure, but these agreements are created and enforced by collective norms, not formal action or votes.[77] Similarly, the National Surface Transportation Infrastructure Finance Commission[78] relied on member collegiality and deference to the chair and co-chair of the commission for procedural decisions.[79]

Operational Considerations

The choice to adopt written rules or rely on informal norms to guide commission procedure may be based on a variety of factors, such as the size of the commission, frequency of meetings, commission member preferences regarding formality, the level of collegiality among members, and the amount of procedural guidance provided by the commission's authorizing statute. Regardless of how procedural issues are handled, procedures for decision-making regarding the following operational issues may be important for the commission to consider at the outset of its existence:

- eligibility to vote and proxy rules
- staff hiring, compensation, and work assignments
- hearings, meetings, and field visits
- non-staff expenditures and contracting
- reports to Congress
- budgeting
- agenda setting
- modification of existing rules

Commission Termination

Congressional commissions are usually statutorily mandated to terminate. Termination dates for most commissions are linked to either a fixed period of time after the establishment of the commission, the selection of members, or the date of submission of the commission's final report. Alternatively, some commissions are given fixed calendar termination dates.

[76] Interview with Douglas Grob, Staff Director, July 10, 2008.

[77] Ibid.

[78] P.L. 109-59; 119 Stat. 1962 (August 10, 2005).

[79] Interview with Jack Wells, staff director, July 10, 2008.

Key Considerations for Congress

The following are key considerations for Congress in forming a commission.

General[80]

- What is the purpose of the proposed commission?
- How long will the commission have to complete its mission?

Membership

- How will the members of the commission be appointed?
- Will commission members be compensated?

Staffing

- Will the commission have an executive director?
- Who will have the authority to hire staff?
- Can the commission procure temporary and intermittent labor?
- Can staff be detailed to the commission?

Duties

- Will the commission produce a final report or interim reports?
- Who will receive the work product of the commission?

Powers

- Will the commission have the power to hold hearings?
- Can the commission enter into contracts for services?
- Will the commission have subpoena power?
- Can the commission accept gifts?

Funding

- How much funding will the commission receive?
- Will funding be available on an annual basis or until expended?

[80] These considerations are based, in part, on Campbell, Discharging Congress, p. 7, Table 1.3.

Other

- Who will provide administrative support to the commission?
- What procedural rules should be statutory? What will be left to the commission?
- Where will the commission and its staff be located?

Congressional Commissions, 101st to 113th Congress

The tables that follow provide information on the 101 congressional commissions identified by the database search of the 101st through 114th Congresses. For each commission, the following information is provided: the name of the commission; the type of commission; and the public law creating the commission and date of enactment.

Table 8. Congressional Commissions Created During the 113th Congress

Commission	Type	Authority
Commission to Study the Potential Creation of National Women's History Museum	Policy	P.L. 113-291 December 19, 2014
National Commission on the Future of the Army	Policy	P.L. 113-291 December 19, 2014
Commission on Care	Policy	P.L. 113-146 August, 7, 2014
Commission on Hunger	Policy	P.L. 113-76 January 17, 2014

Source: Database query of the congressional Legislative Information System (LIS).

Table 9. Congressional Commissions Created During the 112th Congress

Commission	Type	Authority
National Commission on the Structure of the Air Force	Policy	P.L. 112-239 January 2, 2013
Congressional Advisory Panel on the Governance of the Nuclear Security Enterprise	Policy	P.L. 112-239 January 2, 2013
Commission on Long-Term care	Policy	P.L. 112-240 January 2, 2013
World War I Centennial Commission	Commemorative	P.L. 112-272 January 15, 2013
Commission to Eliminate Child Abuse and Neglect Fatalities	Policy	P.L. 112-275 January 14, 2013

Source: Database query of the congressional Legislative Information System (LIS).

Table 10. Congressional Commissions Created During the 111th Congress

Commission	Type	Authority
Indian Law and Order Commission	Policy	P.L. 111-211 July 29, 2010
Financial Crisis Inquiry Commission	Investigative	P.L. 111-21 May 20, 2009
Ronald Reagan Centennial Commission	Commemorative	P.L. 111-25 June 2, 2009
Foreign Intelligence and Information Commission	Policy	P.L. 111-259 October 7, 2010
Independent Panel to Assess the Quadrennial Defense Review	Policy	P.L. 111-84 October 28, 2010

Source: Database query of the congressional Legislative Information System (LIS).

Table 11. Congressional Commissions Created During the 110th Congress

Commission	Type	Authority
Commission on the Abolition of the Transatlantic Slave Trade	Commemorative	P.L. 110-183 February 5, 2008
Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism	Policy	P.L. 110-53 August 3, 2007
Commission on Wartime Contracting in Iraq and Afghanistan	Investigative	P.L. 110-181 January 28, 2008
Congressional Commission on the Strategic Posture of the United States	Policy	P.L. 110-181 January 28, 2008
National Commission on Children and Disasters	Policy	P.L. 110-161 December 26, 2007
Genetic Nondiscrimination Study Commission	Policy	P.L. 110-233 October 3, 2008
Congressional Oversight Panel (Emergency Economic Stabilization Act)	Policy/Investigative	P.L. 110-343 October 3, 2008
Commission to Study the Potential Creation of a National Museum of the American Latino	Policy	P.L. 110-229 May 8, 2008

Source: Database query of the congressional Legislative Information System (LIS).

Table 12. Congressional Commissions Created During the 109th Congress

Commission	Type	Authority
Commission on the Implementation of the New Strategic Posture of the United States	Policy	P.L. 109-163; 119 Stat. 343 Jan 6, 2006

Commission	Type	Authority
Commission to Assess the Threat to the United States from Electromagnetic Pulse (EMP) Attack	Policy	P.L. 109-163; 119 Stat. 3434 Jan 6, 2006
Human Space Flight Independent Investigation Commission	Investigative	P.L. 109-155; 119 Stat. 2941 December 30, 2005
Motor Fuel Tax Enforcement Advisory Commission	Policy	P.L. 109-59; 119 Stat. 1959 August 10, 2005
National Surface Transportation Infrastructure Financing Commission	Policy	P.L. 109-59; 119 Stat. 1962 August 10, 2005
National Surface Transportation Policy and Revenue Commission	Policy	P.L. 109-59; 119 Stat. 1470 August 10, 2005
United States Commission on North American Energy Freedom	Policy	P.L. 109-58; 119 Stat. 1064 August 8, 2005

Source: Database query of the congressional Legislative Information System (LIS).

Table 13. Congressional Commissions Created During the 108th Congress

Commission	Type	Authority
Commission on the Abraham Lincoln Study Abroad Fellowship Program	Policy	P.L. 108-199; 118 Stat. 435 January 23, 2003
Commission on the National Guard and Reserve	Policy	P.L. 108-375; 118 Stat. 1880 October 28, 2004
Commission on Review the Overseas Military Facility Structure of the United States	Policy	P.L. 108-132; 117 Stat. 1382 November 22, 2003
Helping to Enhance the Livelihood of People Around the Globe Commission	Policy	P.L. 108-199; 118 Stat. 101 January 23, 2003
National Commission on Small Community Air Service	Policy	P.L. 108-176; 117 Stat. 2549 October 18, 2003
National Prison Rape Reduction Commission	Policy	P.L. 108-79; 117 Stat. 980 September 4, 2003
Veterans' Disability Benefits Commission	Policy	P.L. 108-136; 117 Stat. 1676 November 24, 2003

Source: Database query of the congressional Legislative Information System (LIS).

Table 14. Congressional Commissions Created During the 107th Congress

Commission	Type	Authority
Antitrust Modernization Commission	Policy	P.L. 107-273; 116 Stat. 1856 November 2, 2002

Commission	Type	Authority
Benjamin Franklin Tercentenary Commission	Commemorative	P.L. 107-202; 116 Stat. 739 July 24, 2002
Brown v. Board of Education 50th Anniversary Commission	Commemorative	P.L. 107-41; 115 Stat. 226 September 18, 2001
Guam War Claims Review Commission	Investigative	P.L. 107-333; 116 Stat. 2873 December 12, 2002
National Commission for the Review of the Research and Development Programs of the United States Intelligence Community	Policy	P.L. 107-306; 116 Stat. 2437 November 27, 2002
National Commission on Terrorist Attacks Upon the United States	Investigative	P.L. 107-306; 116 Stat. 2408 November 27, 2002
National Museum of African American History and Culture Plan for Action Presidential Commission	Policy	P.L. 107-106; 115 Stat. 1009 December 28, 2001

Source: Database query of the congressional Legislative Information System (LIS).

Table 15. Congressional Commissions Created During the 106th Congress

Commission	Type	Authority
Abraham Lincoln Bicentennial Commission	Commemorative	P.L. 106-173; 114 Stat. 14 February 25, 2000
Commission on Affordable Housing and Health Care Facility Needs in the 21st Century	Policy	P.L. 106-74; 113 Stat. 1106 October 20, 1999
Commission on Indian and Native Alaskan Health Care	Policy	P.L. 106-310; 114 Stat. 1216 October 17, 2000
Commission on Ocean Policy	Policy	P.L. 106-256; 114 Stat. 645 October 7, 2000
Commission on the National Military Museum	Policy	P.L. 106-65; 113 Stat. 880 October 5, 1999
Commission on Victory in the Cold War	Commemorative	P.L. 106-65; 113 Stat. 765 October 5, 1999
Commission to Assess United States National Security Space Management and Organization	Policy	P.L. 106-65; 113 Stat. 813 October 5, 1999
Dwight D. Eisenhower Memorial Commission	Commemorative	P.L. 106-79; 113 Stat. 1274 October 25, 1999
James Madison Commemoration Commission	Commemorative	P.L. 106-550; 114 Stat. 2745 December 19, 2000
Judicial Review Commission on Foreign Asset Control	Policy	P.L. 106-120; 113 Stat. 1633 December 3, 1999

Commission	Type	Authority
Lands Title Report Commission	Policy	P.L. 106-568; 114 Stat. 2923 December 27, 2000
Millennial Housing Commission	Policy	P.L. 106-74; 113 Stat. 1070 October 20, 1999
National Commission for the Review of the National Reconnaissance Office	Policy	P.L. 106-120; 113 Stat. 1620 December 3, 1999
National Commission to Ensure Consumer Information and Choice in the Airline Industry	Policy	P.L. 106-181; 114 Stat. 105 April 15, 2000

Source: Database query of the congressional Legislative Information System (LIS).

Table 16. Congressional Commissions Created During the 105th Congress

Commission	Type	Authority
Commission on the Advancement of Women and Minorities in Science, Engineering, and Technology Development	Policy	P.L. 105-255; 112 Stat. 1889 October 14, 1998
Commission on Military Training and Gender-Related Issues	Policy	P.L. 105-85; 111 Stat. 1750 November 18, 1997
National Bipartisan Commission on the Future of Medicare	Policy	P.L. 105-33; 111 Stat. 347 October 5, 1997
National Commission on the Cost of Higher Education	Policy	P.L. 105-18; 111 Stat. 207 June 12, 1997
National Commission on Terrorism	Policy	P.L. 105-277; 112 Stat. 2681 October 21, 1998
National Health Museum Commission	Policy	P.L. 105-78; 111 Stat. 1525 November 13, 1997
Presidential Advisory Commission on Holocaust Assets in the United States	Investigative	P.L. 105-186; 112 Stat. 611 June 23, 1998
Twenty-First Century Workforce Commission	Policy	P.L. 105-220; 112 Stat. 1087 October 7, 1998
Trade Deficit Review Commission	Policy	P.L. 105-277; 112 Stat. 2681 October 21, 1998
United States Commission on International Religious Freedom	Policy	P.L. 105-292; 112 Stat. 2797 October 27, 1998
Web-Based Education Commission	Policy	P.L. 105-244; 112 Stat. 1822 October 7, 1998
Women's Progress Commemoration Commission	Commemorative	P.L. 105-341; 112 Stat. 3196 October 31, 1998

Source: Database query of the congressional Legislative Information System (LIS).

Table 17. Congressional Commissions Created During the 104th Congress

Commission	Type	Authority
Commission on Maintaining United States Nuclear Weapons Expertise	Policy	P.L. 104-201; 110 Stat. 2843 September 23, 1996
Commission on Service members and Veterans Transition Assistance	Policy	P.L. 104-275; 110 Stat. 3346 October 9, 1996
Commission on the Advancement of Federal Law Enforcement	Policy	P.L. 104-132; 110 Stat. 1305 April 24, 1996
Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction	Policy	P.L. 104-293; 110 Stat. 2711 October 11, 1996
National Gambling Impact Study Commission	Policy	P.L. 104-169; 110 Stat. 1482 October 3, 1996

Source: Database query of the congressional Legislative Information System (LIS).

Table 18. Congressional Commissions Created During the 103rd Congress

Commission	Type	Authority
Commission on Leave	Policy	P.L. 103-3; 107 Stat. 23 February 5, 1993
Commission on Protecting and Reducing Government Secrecy	Policy	P.L. 103-236; 108 Stat. 525 April 30, 1994
Commission on the Roles and Capabilities of United States Intelligence Community	Policy	P.L. 103-359; 108 Stat. 3456 October 14, 1994
National Bankruptcy Review Commission	Policy	P.L. 103-394; 108 Stat. 4147 October 22, 1994
National Commission on Crime Control and Prevention	Policy	P.L. 103-322; 108 Stat. 2089 September 13, 1994

Source: Database query of the congressional Legislative Information System (LIS).

Table 19. Congressional Commissions Created During the 102nd Congress

Commission	Type	Authority
Commission on the Bicentennial of the United States Capitol	Commemorative	P.L. 102-392; 106 Stat. 1726 October 6, 1992
Commission on Broadcasting to the People's Republic of China	Policy	P.L. 102-138; 105 Stat. 705 October 28, 1991
Commission on Child and Family Welfare	Policy	P.L. 102-521; 106 Stat. 3406 October 25, 1992
Congressional Commission on the Evaluation of Defense Industry Base Policy	Policy	P.L. 102-558; 106 Stat. 4198 October 28, 1992
National Education Commission on Time and Learning	Policy	P.L. 102-62; 105 Stat. 306 June 27, 1991
National Commission on Reducing Capital Gains for Emerging Technology	Policy	P.L. 102-245; 106 Stat. 21 February 14, 1992
National Commission on Rehabilitation Services	Policy	P.L. 102-569; 106 Stat. 4344 October 29, 1992
National Commission on the Future Role of United States Nuclear Weapons	Policy	P.L. 102-172; 105 Stat. 1150 November 26, 1991
National Commission to Promote a Strong Competitive Airline Industry	Policy	P.L. 102-581; 106 Stat. 4891 October 31, 1992
Thomas Jefferson Commemoration Commission	Commemorative	P.L. 102-343; 106 Stat. 915 October 17, 1992

Source: Database query of the congressional Legislative Information System (LIS).

Table 20. Congressional Commissions Created During the 101st Congress

Commission	Type	Authority
Civil War Sites Advisory Commission	Policy	P.L. 101-628; 104 Stat. 4504 November 28, 1990
National Commission on Manufactured Housing	Policy	P.L. 101-625; 104 Stat. 4413 November 28, 1990
Commission on Legal Immigration Reform	Policy	P.L. 101-649; 104 Stat. 5001 November 29, 1990
Commission on Management of the Agency for International Development Programs	Policy	P.L. 101-513; 104 Stat. 2022 November 5, 1990
Commission on State and Private Forests	Policy	P.L. 101-624; 104 Stat. 3548 November 28, 1990
Defense Base Closure and Realignment Commission	Policy	P.L. 101-510; 104 Stat. 1808 November 5, 1990

Commission	Type	Authority
Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives	Policy	P.L. 101-379; 104 Stat. 478 October 18, 1990
National Commission on American Indian, Alaska Native, and Native Hawaiian Housing	Policy	P.L. 101-235; 103 Stat. 2052 December 15, 1989
National Commission on Defense and National Security	Policy	P.L. 101-511; 104 Stat. 1899 November 5, 1990
National Commission on Financial Institution Reform, Recovery, and Enforcement	Policy	P.L. 101-647; 104 Stat. 4889 November 29, 1990
National Commission on Judicial Impeachment	Policy	P.L. 101-650; 104 Stat. 5124 December 1, 1990
National Commission on Severely Distressed Public Housing	Policy	P.L. 101-235; 103 Stat. 2048 December 15, 1989

Source: Database query of the congressional Legislative Information System (LIS).

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